



1 page

2827

Examiner : David E. Graybill
Art Unit : 2827
Docket No.: 52433/663

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : S. TERASHIMA et al.
Serial No. : 10/000,177
Filed : November 2, 2001
For : SEMICONDUCTOR DEVICE AND METHOD TO PRODUCE THE SAME

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

SIR:

Transmitted herewith is an Amendment/Response in the above-identified patent application.

[X] No additional fee is required.

The fee has been calculated as shown below.

				SMALL ENTITY		OTHER THAN A SMALL ENTITY	
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. OR FEE	RATE	ADDIT. FEE	
TOTAL 34 MINUS 34 = 0			x6=	\$	x18 =	\$	0.00
INDEP. 6 MINUS 6 = 0			x18=	\$	x86 =	\$	0.00
[] FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			x60=	\$	x290=	\$	0.00
				TOTAL			
				ADDIT. FEE	\$	OR	\$ 0.00

[X] The Commissioner is hereby authorized to charge fees under 37 CFR 1.16 and 1.17 which may be required to Deposit Account 11-0600. A duplicate of this paper is enclosed.

[] A petition for a ____ (__) month extension of time and Deposit Account authorization to cover the extension fee are enclosed.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 15, 2004

John J. Kelly, Jr.
John J. Kelly, Jr. Reg. No. 29,182

Respectfully submitted,

KENYON & KENYON

By: John J. Kelly, Jr.
John J. Kelly, Jr.
Reg. No. 29,182

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John J. Kelly, Jr.

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RESPONSE TO RESTRICTION REQUIREMENT

SIR:

In response to the Restriction Requirement mailed February 13, 2004, applicants hereby elect, with traverse, the claims of Group I, i.e., claims 1-3, 6, 10, 12, 17 and 22-29, and 30-39 for further prosecution in this application.

Note that a Preliminary Amendment was filed at the time of filing this application. The Preliminary Amendment canceled claims 4-5, 7-9, 11, 13-15 and 20-21, without prejudice, and added new claims 22-45 in order to eliminate multiple dependent claims.

It appears that the Restriction Requirement inadvertently overlooked product claims 30-39 and method claims 40-45 of the Preliminary Amendment.

In accordance with the Preliminary Amendment, the applicants elect, with traverse, the product claims of Group I, i.e., claims 1-3, 6, 10, 12, 17, 22-29, and 30 to 39 for further prosecution in this application.

This election is made without prejudice to the filing of divisional application(s) directed to the non-elected claims.

This election is made with traverse because, although the applicants maintain that all the claims are patentably distinct from one another, applicants believe that the claims are sufficiently related to be properly presented in a single application.

An action on the merits is respectfully requested.

Respectfully submitted,

KENYON & KENYON

By John J. Kelly, Jr.
John J. Kelly, Jr.
Reg. No. 29,182

KENYON & KENYON
One Broadway
New York, NY 10004
(212) 425-7200